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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,399	10/03/2001	Miroslav Svajda	47161-00016	9667
30223	7590	02/26/2004	EXAMINER	
JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606			NI, SUHAN	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 02/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/970,399	SVAJDA ET AL.
	Examiner	Art Unit
	Suhan Ni	2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 November 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 28-43 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-27 and 44-48 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

1. This communication is responsive to the amendment filed 11/03/2003.
2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
3. A complete reply to a future final office action must include **cancellation of non-elected claims** or other appropriate action (37 CFR 1.144). See MPEP § 821.01.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-27 and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mead et al. (U. S. Pat. - 6,044,162) in view of Groppe (U. S. Pat. - 5,086,464).

Regarding claims 1, 15, 17 and 48, Mead et al. disclose a hearing device, comprising: an input transducer (128) for generating an electrical output signal; a first amplifier (130) for receiving the electrical output signal of the transducer and for generating an amplified signal; and a first filter (116-1) for receiving the amplified signal of the amplifier and for generating an filtered signal. But Mead et al. do not specially teach a telecoil type input transducer as claimed.

Groppe discloses a similar hearing device, comprising a telecoil type input transducer for inductively pickup input signal. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide the inductive pickup transducer taught by Groppe for the hearing device as an alternate choice, for providing a wireless communication for the user.

Moreover, Mead et al. do not clearly teach an IC as claimed. Since providing IC technology for a hearing device is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide a IC including all necessary elements for the hearing device, in order to provide a more integrated and size reduced hearing device, also with less power consumption.

Furthermore, Mead et al. do not clearly teach the frequency response rang for the filter as claimed. Since selecting a filter with desirable characteristics, such as frequency response for specific application is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide a filter with desirable pass band for the processing IC of the hearing device, in order to provide desirable acoustic effect for different hearing applications.

Regarding claims 2-3, Mead et al. further disclose the hearing device, wherein the device includes a second amplifier (118-1) for receiving the first filtered signal and for generating a second amplified signal as claimed.

Regarding claim 4, Mead et al. further disclose the hearing device, wherein the device includes a second filter (116-2) for receiving the first amplified signal and for generating a second filtered signal as claimed.

Regarding claims 5-6, Mead et al. further disclose the hearing device, wherein the device includes a third amplifier (118-2) for receiving the second filtered signal and for generating an third amplified signal as claimed.

Regarding claims 7, 16 and 26-27, neither Mead et al. nor Groppe specially teach the details of the telecoil type input transducer as claimed. Since providing a center-tapped telecoil as claimed for a hearing device is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide the center-tapped telecoil with two signal output terminals for the hearing device, in order to provide users a wireless communication hearing device with desirable acoustic characteristics.

Method claims 8-14 are similar to claims 1-7 except for being couched in method terminology, such methods would be inherent when the structure is shown in the cited references.

Regarding claims 18-20, Mead et al. further disclose the hearing device, wherein the device includes a third filter (116-3) for receiving the first amplified signal and for generating a third filtered signal as claimed.

Regarding claims 21-22, neither Mead et al. nor Groppe specially teach a protection circuitry for the processing IC of the hearing device as claimed. Since providing a protective element for a processing circuit for a hearing device is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide the protective element for the processing IC of the hearing device, in order to provide the hearing device with protective features, and make the hearing device more durable.

Regarding claims 23-24, Mead et al. further disclose the hearing device, wherein the device includes an A/D (132) and a D/A (124) converter for DSP.

Regarding claim 25, Mead et al. further disclose the hearing device, wherein the device includes a plurality of controllers (44) for controlling an incoming signal as claimed. Method claims 44-47 are similar to claims 15-27 except for being couched in method terminology, such methods would be inherent when the structure is shown in the cited references.

Response to Amendment

5. Applicant's arguments dated 11/03/2003 have been fully considered, but they are not deemed to be persuasive.

Regarding claims 1, 15, 17 and 48, in the cited prior art, Mead et al. disclose a hearing device, comprising: an input transducer for generating an electrical output signal; a first amplifier for receiving the electrical output signal of the transducer and for generating an amplified signal; and a first filter for receiving the amplified signal of the amplifier and for generating an filtered signal. But Mead et al. do not specially teach a telecoil type input transducer as claimed. Groppe discloses a similar hearing device, comprising a telecoil type input transducer for inductively pickup input signal. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide the inductive pickup transducer taught by Groppe for the hearing device as an alternate choice, for providing a wireless communication for the user. Furthermore, Mead et al. do not clearly teach an IC as claimed. Since providing IC technology for a hearing device is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide a

IC including all necessary elements for the hearing device, in order to provide a more integrated and size reduced hearing device, also with less power consumption. Moreover, Mead et al. do not clearly teach the frequency response range for the filter as claimed. Since selecting a filter with desirable characteristics, such as frequency response for specific application is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide a filter with desirable pass band for the processing IC of the hearing device, in order to provide desirable acoustic effect for different hearing applications.

Regarding claims 1, 15, 17 and 48, the applicants argue no motivation to combine the references. It is not necessary that the references actually suggest, expressly or in so many words the changes or improvements that applicants have made. The test for combining references is what the references as whole would have suggested to one of ordinary skill in the art. **In re Scheckler, 168 USPQ 716 (CCPA 1971); In re Mlaughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 715 (CCPA 1968).**

As to the combination of Mead et al. and Groppe has failed to teach applicants' claimed invention, but the Examiner respectfully disagrees with the applicants, since the combination of these references clearly teaches the recited claim limitations.

Method claims 8-14 and 44-47 are similar to claims 1-7, 15-27 and 48 except for being couched in method terminology; such methods would be inherent when the structure is shown in the references.

Conclusion

6. **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any response to this final action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

Or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE"), or

(703) 305-9508, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

**Receptionist, Sixth Floor,
Crystal Park II,
2121 Crystal Drive,
Arlington, Virginia 22202**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Suhan Ni** whose telephone number is **(703)-308-9322**, and the number for fax machine is **(703)-305-9508**. The examiner can normally be reached on Monday

through Thursday from 9:00 am to 7:30 pm. If it is necessary, the examiner's supervisor, **Curtis Kuntz**, can be reached at **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is **(703) 305-3900**.

Suhan Ni
Patent Examiner
Art Unit 2643
USPTO


SUHAN NI
PATENT EXAMINER

February 19, 2004